

REMARKS

Claims 14-15, 19-20, and 23 have been canceled. Claims 1-13, 16-18, 21-22, and 24-34 remain pending in the application. Claims 1-12 have been withdrawn from consideration.

Applicants submit herewith a certified translation of the parent application, PCT International Application No. PCT/JP99/02673, as required by the Examiner, for claiming priority.

The Examiner and the Supervisory Examiner, Huy Vu, conducted respective telephone interviews with Applicants' undersigned representative, Mr. Dexter Chang (Reg. No. 44,071) on March 9, 2006. Applicants and Mr. Chang thank Examiner Ryman and Examiner Vu for their time and consideration for these interviews. During the interviews, the Examiners and Mr. Chang discussed page 22, lines 6-19 in the specification, and it was agreed that this section was merely part of Applicants' description of deficiencies in systems from Applicants' Admitted Prior Art ("AAPA") and, thus, the cited description is not, itself, AAPA. Accordingly, Applicants respectfully submit that this cited section of the specification is not prior art to the claimed invention.

Claims 13, 16-18, 21, 22, and 24-34 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0008525 to Seagraves et al. Applicants submit a certified translation of the parent application, PCT International Application No. PCT/JP99/02673, as required by the Examiner, for claiming priority over Seagreaves et al. Applicants submit that the disclosure in parent application is substantially identical to that of the present application, with the exception of minor changes for clarity of explanation and Fig. 14 of the present application wherein an alternative embodiment for generating an ISDN 400-Hz signal

TTR is illustrated. Accordingly, Applicants respectfully submit that the claimed invention is fully supported in the parent application and, therefore, Seagreaves et al. is not prior art.

Claims 13, 16-18, 21-22, and 24-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of U.S. Patent No. 4,756,007 to Qureshi et al. Applicants respectfully traverse the rejection.

The Examiner relied upon page 22, lines 6-19 of the specification as alleged AAPA that discloses,

“said transmitting unit including: timing-information determining means for determining timing information, which specifies an interval in which effects of crosstalk from said second line are received (page 22, lines 6-19), and transmitting means for transmitting the timing-information to the receiving unit at a time carried out prior to data communication (page 22, lines 6-19) where it is implicit that the timing information is determined prior to data communication; and said receiving unit includes: means for extracting the timing information (page 22, lines 6-19); and a processor for executing processing based upon this timing information (page 22, lines 6-19),” page 6, lines 1-7 of the Office Action; and

“Applicant discloses as prior art that the timing information is determined by modems at the office side, and then distributed to the other modems (page 22, lines 6-19),” page 6, line 22 to page 7, line 2 of the Office Action.

As discussed above, it was agreed after the interviews on March 9, 2006 that page 22, lines 6-19 of the specification is not AAPA but merely a statement of deficiencies in the AAPA. In particular, this portion of the specification merely describes that it is “necessary to provide means for reporting the transmission phase from the office side to the subscriber side efficiently,” because “the subscriber side cannot obtain [the] 400-Hz synchronization signal” that is obtainable at the office side in AAPA systems, page 22, line 6-19 of the specification, which is an issue addressed by the claimed invention. Thus, the cited portion of the specification relied

upon by the Examiner is merely a statement of an objective of the claimed invention, and not AAPA. Correspondingly, this cited portion of the specification is merely a statement of a necessity and further fails to disclose the features of the “transmitting unit” as alleged in the above-cited portions of the Office Action.

The Examiner acknowledged that Applicants do not admit as prior art,

“timing information, which specifies an interval in which effects of crosstalk from said second line are received, into a training symbol sequence at time of training carried out prior to data communication; and means for transmitting the training symbol sequence into which the timing information is inserted from the device on the office side to the device on the subscriber side; and said training-symbol receiving unit includes: timing information extraction means for extracting the timing information from the training symbol sequence; and a processor for executing training processing based upon this timing information, wherein said timing-information insertion means inserts the timing information into the training symbol sequence by changing the phase between adjacent training symbols and said timing information extraction means detects a phase-change point in the training symbol sequence and adopts a timing which is a set time before or a set time after the phase-change detection time, as the start timing of said interval in which effects of crosstalk from said second line are received.” Page 6, line 10 et seq. of the Office Action.

The Examiner relied upon col. 4, lines 10-44 of Qureshi et al. as alleged disclosure of these features. Please see page 7, line 3 to page 8, line 8 of the Office Action.

Applicants respectfully submit that the Examiner has failed to establish a prima facie case of obviousness in that the Examiner does not provide any suggestion or motivation in AAPA and Qureshi et al. for the proposed combination of these references. The Examiner merely stated that “[i]t would have been obvious to one of ordinary skill in the art at the time of the invention to have a training-symbol transmitting unit...” Page 7, line 15 to page 8, line 8 of the Office Action.

Applicants refer to MPEP § 2143.01 (IV),

“[a] statement that modifications of the prior art to meet the claimed invention would have been ‘well within the ordinary skill of the art’ at the time the claimed invention was made’ because the references relied upon teach that all aspects of the claimed invention were individually known in the art is *not* sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references.” (citing *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993)). (Underlining as cited, emphasis added)

Thus, even assuming, arguendo, that all aspects of the claimed invention is disclosed or suggested in the cited references, the Examiner has still failed to meet his “initial burden of factually supporting any *prima facie* conclusion of obviousness.” MPEP § 2142.

Furthermore, Applicants reiterate that the cited portions of Qureshi et al. merely describe synchronization for identifying subsequent training sequences in conventional dial-up modems. Therefore, such portions of Qureshi et al. do not disclose specifying a crosstalk interval. And thus, even assuming, arguendo, that it would be obvious to one skilled in the art to combine the references, the combination would at most disclose or suggest a training signal for determining a transmission speed of a subscriber-side dial-up modem. The combination would still have failed to teach or suggest

“incorporating timing information, which specifies an interval in which effects of crosstalk from a neighboring line are received, in a training symbol sequence at time of training carried out prior to data communication; and

transmitting the training symbol sequence in which the timing information is incorporated from the device in the office side to the device on the subscriber side,

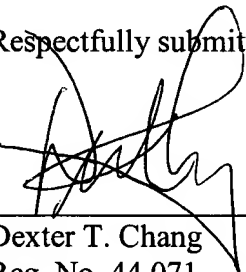
wherein the timing information is incorporated in the training symbol sequence by changing the phase between adjacent training symbols by the device on the office side and a phase-change point in the training symbol sequence is detected by the device on the subscriber side and a timing which is a set time before or a set time after the phase-change detection time is adopted as the start timing of said interval,” as recited in amended claim 13. (Emphasis added)

Applicants, thus, respectfully submit that claim 13, together with claims 16-17 dependent therefrom, is patentable over AAPA and Qureshi et al., separately and in combination, for at least the foregoing reasons. Independent claims 18, 22, 24-27, and 31 include features that correspond to those of claim 13 cited and discussed above, and are, therefore, together with claims 21, 28-30, and 32-34 dependent therefrom, respectively, patentable over the cited references for at least the same reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper, not fully covered by an enclosed check, may be charged on Deposit Account 50-1290.

Respectfully submitted,



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